IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 380 of 1996

Between:

1 Kummari Pedda Anjaiah S/o. late Rajaiah
H.No.20-83, Karimnagar (T) & District.
2 Kummari Chinna Anjaiah, S/o. Balaiah,
Karimnagar (T) & District.
..... PETITIONERS

AND
1 The Secretary to the Government, Govt. of Andhra Pradesh,
Revenue Department, A.P. Secretariat, Hyderabad
2 The District Collector, Karimnagar
3 Tirumala Tirupathi Devasthanams,
rep.by its Executive Officer, Tirupathi, Chittoor Dist
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the impugned proceedings passed by the first respondent herein in GO.Ms.No.1153, Revenue (Assgn.II) Department, Dt.11/11/1994 as arbitrary, illegal void ab-initio and violative of Articles 14 and 21 of the Constitution of India, besides violative of principles of natural justice and set aside the same, and the respondents No.1 and 2 herein may be further directed to consider the case of the petitioners for grant of ten guntas of land each to the petitioners herein in Sy.No.1481, situated at Karimnagar (T) in the light of the G.O.Ms.No.626, Revenue (K) Department, Dt.31/05/1985 and pass such other order or orders.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for the Respondent Nos.1and2: GP FOR REVENUE

Counsel for the Respondent No.3: --

The Court made the following ORDER:

ORDER:

This writ petition is filed by the petitioners questioning the proceedings of the first respondent rejecting their claim for restoration of the land, which was acquired from them for an alleged public purpose. As the land in question was not used for the public purpose and also in view of the fact that a part of the land was restored to one of the joint family members of the petitioners, they approached the first respondent seeking restoration of possession and title to them with reference to the other part of the land. The first respondent, however, rejected the claim and passed the impugned order in G.O.Ms.No.1153, Revenue (Assing.II) Department, dated 11.11.1994. Aggrieved by that the petitioners have come up with the present writ petition.

2. According to the petitioners, the respondent authorities have acquired their land in an extent of Ac.1.35 guntas in Survey No.1481 at Karimnagar for the alleged public purpose of establishing and accommodating a Vocational School in the year 1955. But, later the Government did not use the land for which it was acquired and no Vocational School was established. Subsequently, on a representation made by the petitioners' paternal uncle, the Government reconveyed an extent of 10 guntas of land in Survey No.1481 under G.O.Ms.No.626 Revenue (K) Department, dated 31.05.1985. Thereafter, the petitioners made a representation to the Government seeking re-conveyance of the remaining land to them. But, however, the claim was rejected.

3. The learned counsel appearing for the petitioners contended that as part of the land was already reconveyed to the petitioners' paternal uncle, the balance of land ought to have been reconveyed to them also, as the land was not utilized for the purpose, for which, it was acquired. Therefore, sought for appropriate orders.

4. A counter-affidavit has been filed on behalf of the respondents disputing and denying the claim of the petitioners.

5. At the time of hearing, the learned Government Pleader for
Revenue appearing on behalf of the respondents contended that once the land is acquired and vested in the Government, there is no provision for reconveyance. Merely because a part of the land was reconveyed to the petitioners' uncle, the petitioners cannot claim that they are also entitled for reconveyance of the acquired land. He further contended that the claim of the petitioners' was considered by the first respondent and orders were passed rejecting their claim. Therefore, the

petitioners are not entitled for any relief.

6. Heard both sides and considered the material available on record.

7. The grievance of the petitioners is that an extent of
Ac.1.35 guntas of land was acquired from them and their family members for an alleged purpose of establishing a Vocational School in Karimngar. But the land acquired from them was not utilized for the said purpose and in fact ten guntas out of the acquired land was reconveyed to their paternal uncle. Therefore, they approached for recoveyance of the balance of the land. But, the first respondent rejected the said claim of the petitioners.

8. At the time of hearing, the learned counsel has fairly stated that the left over land has already been alienated/transferred in favour of third parties, either by way of assigning free of cost or even on costs.

9. In the light of the above facts apart from the legal hurdle for the petitioners for reconveyance of the land, no relief can be granted to the petitioners as prayed by them.

10. The writ petition is accordingly dismissed. No costs.

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S. Ananda Reddy, J

Date: 02.12.2004

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To

1 The Secretary to the Government, Govt. of Andhra Pradesh,
Revenue Department, A.P. Secretariat, Hyderabad
2 The District Collector, Karimnagar
3 The Executive Director, Tirumala Tirupathi Devasthanams,
Tirupathi, Chittoor District.

4 Two CCs to G.P for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

5 Two CD Copies